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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,735	07/31/2000	Joanne S. Walter	8657	4128
26884 7590 04/24/2007 PAUL W. MARTIN NCR CORPORATION, LAW DEPT. 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/629,735

Applicant(s)

WALTER, JOANNE S.

Examiner

Ella Colbert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-39 is/are rejected.
- 7) ☒ Claim(s) 21 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 19-38 are pending in this communication filed 12/22/06 entered as Appeal Brief filed.
2. The Election by Original Presentation withdrawing claim 38 is hereby withdrawn in view of Applicants' convincing arguments in the Appeal Brief filed 12/22/06.

Reopening Prosecution

3. In view of the Appeals Conference Decision on 04/09/07, **PROSECUTION IS HEREBY REOPENED** as set forth here below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Authorization has been given by the SPEs (Supervisor's) signature on the last page of this Office Action.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 2 reference numbers 12, 14, 16, 18, and 20 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed

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invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

5. The abstract of the disclosure is objected to because the abstract contains over 150 words. The abstract contains 167 words.

Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual

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Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 38 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 38 reciting "(a) compare a first received personal identification number (PIN number ...; (b) determine that the first received PIN number corresponds ...; (c) permit reduction of funds from the account based upon the correspondence of the first PIN number ...; (d) compare a second PIN number ...; (e) determine that the second received PIN number corresponds to a second ...; (f) permit posting of funds to the account based upon the correspondence ...; and (g) not permit removal of funds from the account based upon the correspondence ...". The comparing and correspondence of the PIN numbers is not found in Applicants' Specification.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 19-22, 24, 27, 29-33, 36, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19, 21, 22, 24, 27, 29, 31-33, 36, and 38 recite "to permit" which is indefinite and not a positive recitation in the claim limitations.

Claim 19 also does not contain any structure in the claim limitations to enable the depositing of funds. Claim 19 (a) –(d) should recite "operating said terminal depositing funds into a banking account ...; (b) operating said terminal depositing funds into said banking account in ...; (c) operating said terminal by a user withdrawing funds up to a first dollar ...; and (d) operating said terminal by the user withdrawing funds up to a second ...". Claims 21, 22, 24, 27, 29-33, 36, and 38 have a similar problem.

Claim 20 (e) should recite "step (a) further comprises: reading at the terminal code stored on said gift card ..." in order to have structure and what is said in claim 19 is being otherwise erased unless the claim limitation recites as shown. Claim 30 has a similar problem.

Claims 29, 30, and 38 contain a clause of intended use in the independent claims which renders the claims indefinite. Specifically, claim 29, after the second claim limitation recites "..., wherein said memory device has stored therein a plurality of instructions which, ...".

The Examiner considers these limitations to only recite what is expected to happen, a desired result, or an intended use. The MPEP discusses a type of limitation in reference to "wherein" clauses. MPEP § 2111.04 states:

Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are:

- (A) "adapted to" or "adapted for" clauses;
- (B) "wherein" clauses; and
- (C) "whereby" clauses.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19, 20, 22, 29, 30, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,173,269) Solokl et al, hereafter Solokl in view of (US 5,953,710) Fleming.

As per claims 19 and 29, Solokl discloses, A method of operating an electronic banking terminal, comprising the steps of: (a) operating said terminal to permit deposit of funds into a banking account in response to entry of a first personal identification number (PIN number) into said terminal (col. 4, lines 12-35, col. 5, lines 47-55 (valid account number), col. 7, line 51-col. 8, line 12); and (b) operating said terminal to permit deposit of funds into said banking account in response to entry of a second PIN

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number into said terminal, said first PIN number being different than said second PIN number (col. 7, lines 7-21 and lines 51-59 and col. 8, lines 55-65). Solokl failed to disclose (c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal; and (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit. Fleming discloses, (c) operating said terminal to permit user withdrawal of funds up to a first dollar amount limit from said banking account in response to entry of said first PIN number into said terminal (col. 6, lines 6-20 and col. 7, lines 18-24 – “another approach is to obtain the child account numbers by querying for all child account records linked to a given parent account”); and (d) operating said terminal to permit user withdrawal of funds up to a second dollar amount limit from said banking account in response to entry of said second PIN number into said terminal, wherein said first dollar amount limit is less than said second dollar amount limit (col. 6, lines 48-67). Solokl has one account with the teen account or accounts linked to the parent's account with each teen having his or her own account number (analogous to a PIN) to access his or her account. The teen's account is replenished from the main account (parent's account). It would have been obvious to one having ordinary skill in art at the time the invention was made to modify Solokl with the teachings of Fleming because such a modification in view of Solokl's account with two different PIN's would

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allow Solokl to keep track of the amount of money in the main account and to replenish the account when the money becomes low.

As per claim 29, Solokl further discloses, An electronic terminal, comprising: an input device for receiving input from a user (col. 4, lines 15-17). Although Solokl did not expressly disclose, a processing unit electrically coupled to said input device, and a memory device electrically coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit. However, Solokl did disclose a personal computer with an input device, keyboard, and a processing unit –CPU. All computers have a memory for storage and a processing unit. The processor is the brains of a computer.

Claim 29 has claim limitations that parallel the claim limitations of claim 19 and claim 29 is rejected for the similar rationale as given above for claim 19.

Claim 38, Solokl discloses, An automated teller machine system comprising: a processing unit operatively coupled to said input device; and a memory device operatively coupled to said processing unit, wherein said memory device has stored therein a plurality of instructions which, when executed by said processing unit, causes said processing unit to (col. 4, lines 15-17): (a) compare a first received personal identification number (PIN number) with a plurality of PIN numbers associated with an account (col. 7, lines 51-59); (b) determine that the first received PIN number corresponds to a first of the plurality of PIN numbers (col. 8, lines 4-17 –the PIN number/password is validated); (c) permit reduction of funds from the account based upon the correspondence of the first received PIN number with the first of the plurality of

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PIN numbers (col. 8, lines 55-65 and col. 9, lines 17-30); and (d) compare a second received PIN number with the plurality of PIN numbers associated with the amount (col. 7, lines 7-21).

This claim is rejected for the similar rationale as given above for claims 19 and 29.

As per claims 20 and 30, Solokl discloses, The method of claim 19, wherein said step (a) includes the steps of: (e) reading a code stored on a gift card to determine a gift dollar amount associated with said gift card (col. 8, lines 18-54), and (f) depositing said gift dollar amount into said banking account in response to said reading step (col. 8, lines 55-65).

As per claims 22 and 32, Solokl discloses, The method of claim 19, wherein: said banking account has an account number associated therewith, said step (c) includes the step of operating said terminal to permit user withdrawal of funds up to said first dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said first PIN number, and said step (d) includes the step of operating said terminal to permit user withdrawal of funds up to said second dollar amount limit from said banking account in response to entry into said terminal of (i) said account number, and (ii) said second PIN number (col. 4, lines 36-45, col. 5, lines 33-46, and figure 1 (14) shows a teller machine which can perform the steps of (c), (i) and (ii)).

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12. Claims 23-28 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,173,269) Solokl et al, hereafter Solokl and (US 5, 953,710) Fleming in view of (US 5,897,625) Gustin et al, here after Gustin.

As per claim 23, Solokl and Fleming failed to disclose, The method of claim 19, wherein: said electronic banking terminal includes a point-of-sale retail terminal having a currency acceptor, and said step (a) includes the step of operating said currency acceptor to accept a cash deposit into said terminal for said banking account. Gustin discloses, The method of claim 19, wherein: said electronic banking terminal includes a point-of-sale retail terminal having a Currency acceptor, and said step (a) includes the step of operating said currency acceptor to accept a cash deposit into said terminal for said banking account (col. 12, line 9- col. 13, line 4). It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate Gustin's teachings of a point-of sale terminal with a currency acceptor to accept a cash deposit from the terminal for the banking account because such an incorporation would allow Solokl to prevent being overdrawn when making a purchase at the point-of-sale terminal.

As per claim 24, Solokl and Fleming failed to disclose, The method of claim 23, further comprising the step of: (e) operating said currency acceptor so as to permit cash to be accepted by said currency acceptor for payment of an item for purchase. Gustin discloses, The method of claim 23, further comprising the step of: (e) operating said currency acceptor so as to permit cash to be accepted by said currency acceptor for payment of an item for purchase (col. 17, lines 10-33). It would have been obvious to

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one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Gustin into Solokl because such an incorporation would allow Solokl to pay by using cash in the event that the account might be overdrawn or a credit card may have reached the limit.

As per claims 25 and 34, Solokl and Fleming failed to disclose, wherein: said point-of-sale retail terminal further has a currency dispenser, said step (c) includes the step of operating said currency dispenser to dispense currency up to said first dollar amount limit, and said step (d) includes the step of operating said currency dispenser to dispense currency up to said second dollar amount limit. Gustin discloses, wherein: said point-of-sale retail terminal further has a currency dispenser, said step (c) includes the step of operating said currency dispenser to dispense currency up to said first dollar amount limit, and said step (d) includes the step of operating said currency dispenser to dispense currency up to said second dollar amount limit (col. 16, line 35 –col. 17, line 38- col. 18, line 15). It would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teachings of Gustin into Solokl because such an incorporation would allow Solokl to have the cash in \$20.00 increments for the first and second dollar amounts dispensed by the currency dispenser.

As per claims 26 and 35, Solokl and Fleming failed to disclose, the step of: (f) operating said currency dispenser to provide change in response to cash being accepted by said currency acceptor for payment of said item for purchase. Gustin teaches, the step of: (f) operating said currency dispenser to provide change in

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response to cash being accepted by said currency acceptor for payment of said item for purchase (col. 19, line 50-col. 22, line 24).

As per claim 27, Solokl and Fleming failed to disclose, The method of claim 24, wherein: said point-of-sale retail terminal further has a touch screen monitor associated therewith, said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number. Gustin discloses The method of claim 24, wherein: said point-of-sale retail terminal further has a touch screen monitor associated therewith, said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number (col. 8, lines 62-65 and col. 9, lines 45-62).

As per claims 28 and 37, Solokl and Fleming failed to disclose, the step of: (g) operating said touch screen monitor to enter an item code associated with said item for purchase into said terminal. Gustin discloses, the step of: (g) operating said touch screen monitor to enter an item code associated with said item for purchase into said terminal (col. 10, lines 36-67).

As per claim 33, this dependent claim is rejected for the similar rationale given above for claims 23 and 24.

As per claim 34, Solokl and Fleming failed to disclose, The electronic terminal of claim 33, further comprising a currency dispenser for dispensing currency, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to: operate said currency dispenser to dispense currency up to said first dollar amount limit, and further operate said currency dispenser to dispense currency up

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to said second dollar amount limit. Gustin discloses, The electronic terminal of claim 33, further comprising a currency dispenser for dispensing currency, wherein said plurality of instructions, when executed by said processing unit, further causes said processing unit to: operate said currency dispenser to dispense currency up to said first dollar amount limit, and further operate said currency dispenser to dispense currency up to said second dollar amount limit (col. 10, lines 36-62, col. 11, lines 24-38, and fig. 9A).

As per claim 36, Solokl and Fleming failed to disclose, The electronic terminal of claim 29, wherein: said input device includes a touch screen monitor, and said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number. Gustin discloses, The electronic terminal of claim 29, wherein: said input device includes a touch screen monitor, and said touch screen monitor is configured to permit entry into said terminal of either said first PIN number or said second PIN number (col. 8, lines 63-65). This dependent claim is rejected for the similar rationale as given above for claim 27. The claim limitation recites "first or second PIN". Gustin shows the entry of a first PIN. Solokl also discloses using a first PIN number to access an account.

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all of the claimed invention,

as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Allowable Subject Matter

13. Claims 21 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and when the 35 USC 112 second paragraph rejection is resolved.

The following is a statement of reasons for the indication of allowable subject matter: operating said terminal to make a deposit of funds into a banking account in response to entry of a third PIN number into said terminal, the third PIN number being different than both the first PIN number and the second PIN number; and operating the terminal to prohibit withdrawal of funds from the banking account in response to entry of the third PIN number into the terminal.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berg et al (US 6,394,343) disclosed using a smart card in col. 3, line 48-col. 4, line 14 ("parent's card can be linked to child's card which uses (PIN) numbers.

Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

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The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 16, 2007

SPE Signature

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY


ELLA COLBERT
PRIMARY EXAMINER